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Name: K.Going By:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary D. Glick

Application Serial No. 09/767, 283

Filed: January 22, 2001 ✓

For: **PRO-APOPTOTIC**

BENZODIAZEPINES

RECEIVED

Art Unit: 1614

MAY 2 4 2001

Examiner: Unassigned

TECH CENTER 1600/2900

Attorney's Docket No. 128019-203802

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Supplemental Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Supplemental PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- 1. This Supplemental Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - □ a. I hereby state that each item of information contained in this Information
 Disclosure Statement was cited in a communication from a foreign patent
 office in a counterpart foreign application not more than three months
 prior to the filing of this Information Disclosure Statement. 37 C.F.R.
 § 1.97(e)(1).
 - □ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - □ c. Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No.

in the a	amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).
	I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
□ b.	I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
<u> </u>	Relevance of the non-English language document(s) is discussed in the present specification.
□ 5.	The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
□ 6.	A concise explanation of the relevance of the non-English language document(s) appears below:
1 7.	The Examiner's attention is directed to co-pending U.S. Patent Application No. 09/700,101, filed November 8, 2000 which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
□ 8.	Copies of the documents were cited by or submitted to the Office in Application No, filed, which is relied upon for an earlier filing date

under 35 S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Supplemental PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0974.

Respectfully submitted,

Date: May 16, 2001

Antoinette F. Konski (Reg. No. 34,202) Michele Todd Wasmuth (Reg. No. 43,239)

Baker & McKenzie 660 Hansen Way Palo Alto, California 94304 (650) 856-2400

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	Supp	lemental For	m PTO-1449	Attorney's Docket No. 128	Sheet 1 of 1 Attorney's Docket No. 128019-203802 Application Serial No. 09/767,283					
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			(includin	OTHER DOCUMENTS ig author, title, date, pertinent page	es etc l					
Examiner Initials	Ref. No.	Title								
	2.	Blum P., et al., "Stiff-Person Syndrome: An Autoimmune Disease" Movement Disorders, 6 (1): 12-20 (1991)								
	3.	Malgrange B., et al., "Beta-Carbolines Induce Apoptotic Death of Cerebellar Granule Neurones in Culture" <i>Neuroreport</i> , 7 (18): 3041-3045 (1996)								
	4.	Miller, K.A., et al., "Benzodiazepines Prevent Neuronal Death By Apoptosis & Necrosis in the Gerbil Hippocampus Following Transient Cerebral Ischemia" Society for Neuroscience Abstracts, 24 (1-2): 979 (1998)								
	5.	Schlumpf M., et al., "Delayed Developmental Immunotoxicity of Prenatal Benzodiazepines" <i>Toxic in Vitro</i> , <u>8</u> (5): 1061-1065 (1994)								
	6.	Tanimoto Y., et al., "Benzodiazepine Receptor Agonists Modulate Thymocyte Apoptosis Through Reduction of the Mitochondrial Transmembrane Potential" <i>Jpn. J. Pharmacol.</i> , 79: 177-183 (1999)								
	7.	Taupin V., et al., "Endogenous Anxiogenic Peptide, ODN-Diazepam-Binding Inhibitor, and Benzodiazepines Enhance the Production of Interleukin-1 and Tumor Necrosis Factor by Human Monocytes" <i>Lymphokine and Cytokine Research</i> , 10 (1): 7-13 (1991)								
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EXAMINER:	DATE CONSIDERED:
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